

**DECLARATION
Utility Application**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled ENZYME CATALYZED TEMPLATE-INDEPENDENT CREATION OF PHOSPHODIESTER BONDS USING PROTECTED NUCLEOTIDES the specification of which:

Check One

 X is attached hereto.
 was filed on _____ Application Serial No. _____

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Application Number	Date of Filing	Priority Claimed	
		Yes	No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal

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Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

Application Number	Filing Date	Status
		Patented, Pending or Abandoned

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full Name of Inventor Andrew C. Hiatt
Inventor's Signature Andrew C. Hiatt Date 9/1/94
Residence San Diego Calif.
Country of Citizenship United States of America
Post Office Address 660 Torrance Street, San Diego, California 92103

Full Name of Inventor Floyd Rose
Inventor's Signature Floyd Rose Date 8-31-94
Residence Del Mar, Calif
Country of Citizenship United States of America
Post Office Address 117 Via de la Valle, Del Mar, California



PATENT
Attorney Docket No. 207/145

Applicant or Patentee: Andrew Hiatt, et al.
Serial or Patent No.: Not Yet Assigned
Filed or Issued: September 1, 1994
For: ENZYME CATALYZED TEMPLAT-INDEPENDENT CREATION OF
PHOSPHODIESTER BONDS USING PROTECTED NUCLEOTIDES

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 C.F.R. 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am:

 the owner of the small business concern identified below:
 X an official of the small business concern empowered to act on behalf
of the concern identified below:

NAME OF CONCERN: Rose-Hiatt Biotechnology Partnership
ADDRESS OF CONCERN: 10457 Roselle Street, Suite C
San Diego, California 92121

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 C.F.R. 121.3-18, and reproduced in 37 C.F.R. 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the above-entitled invention described in

 X the specification filed herewith
 application serial number _____, filed _____
 Patent No. _____, issued _____

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R. 1.9(d) or by any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d) or a nonprofit organization under 37 C.F.R. 1.9(e).

NAME _____
ADDRESS _____

____ INDIVIDUAL ____ SMALL BUSINESS CONCERN ____ NONPROFIT ORGANIZATION

NAME _____
ADDRESS _____

____ INDIVIDUAL ____ SMALL BUSINESS CONCERN ____ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 C.F.R. 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Andrew C. Hiatt
TITLE OF PERSON OTHER THAN OWNER: Partner
ADDRESS OF PERSON SIGNING: 10457 Roselle Street, Suite C
San Diego, California, 92121

Signature Andrew C. Hiatt Date 9/1/94

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: ANDREW C. HIATT and)
FLOYD ROSE)
Serial No.: Not Yet Assigned)
Filed: September 1, 1994)
For: ENZYME CATALYZED TEMPLATE-)
INDEPENDENT CREATION OF)
PHOSPHODIESTER BONDS USING)
PROTECTED NUCLEOTIDES)

Group No.: To be assigned

Examiner: To be assigned

"Express Mail" mailing label number TB597031974 US

Date of Deposit September 1, 1994

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trade marks, Washington, DC 20231.

Kim Arnold-Cabeller

Type or Printed Name of Person
Mailing Paper or Fee

K. Cabeller

Signature

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST

As assignee of record of the entire interest of the above identified patent application, ROSE-HIATT BIOTECHNOLOGY PARTNERSHIP, hereby appoints, with full power of substitution and revocation, the following attorney(s) and/or agents(s) to prosecute the above identified patent application and transact all business in the Patent and Trademark Office connected therewith:

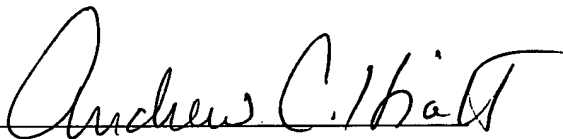
Roland N. Smoot, Reg. No. 18,718; Conrad R. Solum, Jr. Reg. No. 20,467; James W. Geriak, Reg. No. 20,233; Robert M. Taylor, Jr., Reg. No. 19,848; Samuel B. Stone, Reg. No. 19,297; Douglas E. Olson, Reg. No. 22,798; Robert E. Lyon, Reg. No. 24,171; Robert C. Weiss, Reg. No. 24,939; William E. Thomson, Jr., Reg. No. 29,719; Richard E. Lyon, Jr., Reg. No. 26,300; John D. McConaghy, Reg. No. 26,773; William C. Steffin, Reg. No. 26,811; Coe A. Bloomberg, Reg. No.

26,605; J. Donald McCarthy, Reg. No. 25,119; John M. Benassi, Reg. No. 27,483; James H. Shalek, Reg. No. 29,749; Allan W. Jansen, Reg. No. 29,395; Robert W. Dickerson, Reg. No. 29,914; Roy L. Anderson, Reg. No. 30,240; David B. Murphy, Reg. No. 31,125; James C. Brooks, Reg. No. 29,898; Jeffrey M. Olson, Reg. No. 30,790; Steven D. Hemminger, Reg. No. 30,755; Jerrold B. Reilly, Reg. No. 32,293; Paul H. Meier, Reg. No. 32,274; John A. Rafter, Jr., Reg. No. 31,653; Kenneth H. Ohriner, Reg. No. 31,646; Mary S. Consalvi, Reg. No. 32,212; Bradford J. Duft, Reg. No. 32,219; Suzanne L. Biggs, Reg. No. 30,158; Steven M. Weiss, Reg. No. 37,534; Matthew W. Knight, Reg. No. 36,846; Richard J. Warburg, Reg. No. 32,327; Sheldon O. Heber, Reg. No. P38,179; Jeffrey W. Guise, Reg. No. 34,613; F.T. Alexandra Mahaney, Reg. No. 37,668; Charles S. Berkman, Reg. No. P38,077; and Anthony C. Chen, Reg. No. P38,673.

ROSE-HIATT BIOTECHNOLOGY
PARTNERSHIP

Date: 8-31, 1994

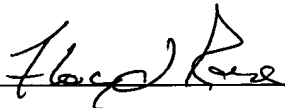
By:



Name: Andrew C. Hiatt

Title: Partner

By:



Name: Floyd Rose

Title: Partner

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